

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34658 of 2021

Arising Out of PS. Case No.-634 Year-2020 Thana- DIGHA District- Patna

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1. Raj Kumar Sinha, male, aged about 64 years, Son of Late Ram Narayan Singh.
2. Sunny Kumar, male, aged about 37 years, Son of Mr. Raj Kumar Sinha.
- Both are resident of Mohalla - Sardar Patel Colony, Kurji, P.S. - Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-01-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Digha P.S. Case No. 634 of 2020, dated 07.12.2020, instituted for the offences under Sections 272 and 273 of the Indian Penal Code and Sections 37(a), 37(b) and 30(a) of the Bihar Prohibition and Excise Act, 2016.



On secret information that the son of petitioner No. 1 is involved in liquor trade, a raid was conducted when many persons were arrested including one Sanjish Kumar (son of petitioner No. 1). 86.280 litres of liquor was recovered. The F.I.R. further discloses that according to the information provided by aforesaid Sanjish Kumar, his father and other members of the family are also involved in the liquor trade. Because of that, the petitioners are also being prosecuted in this case.

It has been submitted that the accusation against the petitioners, at best, is on the basis of confession of an arrested accused person, who is none else but the son of petitioner No. 1. One of the brothers of aforesaid Sanjish Kumar has been granted anticipatory bail by a Bench of this Court. The entire family of aforesaid Sanjish Kumar has been made accused in this case.

The learned counsel for the petitioners has submitted that merely because one of the members of the family has been arrested with liquor, such recovery cannot be saddled on every person of his family.



Regard being had to the facts afore-stated and taking into account the clean antecedents of the petitioners, they, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Digha P.S. Case No. 634 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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